



DOCKET NO.: 214149US99M CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
GENE EGGLESTON ET AL. : EXAMINER: CARDONE, J.
SERIAL NO: 09/095,325 :
CPA FILED: SEPTEMBER 18, 2001 : GROUP ART UNIT: 2152
FOR: METHOD AND APPARATUS :
FOR RATE GOVERNING
COMMUNICATIONS

RECEIVED
JAN 23 2003
Technology Center 2100

APPEAL BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

REAL PARTY IN INTEREST

The real party in interest is Motorola, Inc.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 33-114 are presently active in this case. Each claim stands finally rejected under 35 USC 112, first paragraph.

STATUS OF AMENDMENTS

A request for reconsideration was filed by the Appellants on September 18, 2001. The request was considered but deemed unpersuasive. See October 16, 2002 Advisory Action.

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SUMMARY OF INVENTION

The present invention is directed to a communication system. Referring to Figure 1 (see Appendix II), the communication system includes a host server 115. Connected to the host server 115 is a mobile client 105. The mobile client 105 communicates with the host server 115 via an infrastructure including a base station 120 and an intermediate system 125 coupled to a public data network 130. A communication server 110, including a virtual session manager and a query manager, is coupled between the public data network 130 and the host server 115. The communication server 110 maintains the same session with the host server 115 that the mobile client 105 typically enjoys when connected to the local area network. Thus, by use of the communication server 110, the mobile client 105 can achieve a virtual session with the host server 115 with almost the same access as if directly connected to the host server 115 local area network. See page 8 lines 1-7 of the Specification. In other words, this configuration enables the mobile client 105 to connect to the host server 115 as if the mobile client 105 were a terminal directly connected to the host server 115. However, because of bandwidth issues associated with wireless communications, the mobile client 105 cannot function exactly as a terminal directly connected to local area network. Hence, the present invention provides numerous solutions which address the bandwidth issue.

Referring to Figure 2 (see Appendix II), a communication server 220 can be connected to a post office host server 240. Alternatively, the post office host server 240 can operate as another program running on the communication server 220. In operation, the communication process begins with a user event at the mobile client 105 such as sending a registration message. See Steps 301 and 302 of Figure 3 (see Appendix II). Once a registration message is received by the communication server 220, the communication server 220 preferably authenticates and otherwise qualifies a client, including sending a logon/registration message to the host server 115 for its authentication of the client. See

Steps 303-305. Upon successful authentication, the communication server 220 substantiates a client object for the communication session including client parameters retrieved from an inactive client parameter store, as modified by the user in his registration or subsequent messages. These parameters include at a minimum client and host identifiers. In other words, the mobile client logs on to the local area network much like a patent examiner logs on to his/her computer using the local area network at the U.S. Patent & Trademark Office. See page 11, lines 3-34, of the specification.

ISSUE

Whether claims 33-114 are unpatentable under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one of ordinary skill in the art that the inventors had possession of the claimed invention at the time of the invention.

GROUPING OF CLAIMS

The claims do not stand or fall together.

Group I: Claims 104, 105, and 109-114.

Group II: Claims 56-63 and 65.

Group III: Claims 69-103 and 106-108.

Group IV: Claims 33-55, 64, and 66-68.

ARGUMENT

I. Introduction

Although claims 33-114 are subject to the same rejection, Appellants believe that the four groups of claims identified above have separate issues of patentability. That is, all of the claims have been rejected under 35 USC 112, first paragraph; however, the claims of groups II and IV define a first feature (step) which is not defined by the claims of groups I and III

and which raises a separate issue of patentability. Further, the claims of groups III and IV define a second feature (step) which is not defined by the claims of group I or group II and which also raises a separate issue of patentability.

The first feature (step) which distinguishes the claims of groups II and IV from the claims of groups I and III is transparency. The claims of groups II and IV require that a message sent from a user of a mobile client (a sender) to a message recipient appear to the message recipient as if the received message originated at the sender's email address associated with the mobile client's host system and not from the mobile client. The claims of groups I and III do not define such a feature.

The second feature (step) which distinguishes the claims of groups III and IV from the claims of groups I and II is a "continuously forwarding" feature. That feature provides that messages received at the host system are "pushed" to the mobile client. That is, the mobile client does not have to take a proactive step in order to have messages received at the host system forwarded to the mobile client. In contradistinction thereto, the claims of groups I and II are broader in scope. The claims of groups I and II do not even define forwarding messages received at the host system to the mobile unit. Rather, the claims of groups I and II are directed to forwarding messages generated at the mobile client via the host system to a message recipient.

II. Group I

Page 5 of the June 28, 2002 final action (hereinafter referred to as "the final action") asserts that "an explicit limitation (i.e., a forward component to forward messages) [in Claims 104, 105, and 109-114] is not present in the written description." Appellants respectfully disagree. Appellants respectfully point out that the communication server 220 is associated with the post office host server 240. See page 8 lines 14-25 of the Specification. Moreover, the communication server 220 is configured to receive electronic email messages generated

by the mobile client 201 and to forward the same to a message recipient. See Figure 4 steps 430 – 444 and page 16 lines 12-34. Likewise, Appellants point out that the post office host server 240 can be configured to have the same functionality as the communication server. See page 8 lines 14-17. Hence, at least one of the communication server 220 and the post office host server 240 is a forwarding component associated with a host system as defined by Claims 104, 105, and 109-114.

III. Transparency (Groups II and IV)

Page 4 of the final action generalizes regarding all of Appellants' claims that "an explicit limitation (i.e., a first address at or associated with the host system as seen from the plurality of clients as the address of the mobile client)" is not present in the written description. Appellants respectfully point out that the claims of groups I and III do not require that feature. Moreover, none of the claims of groups II or IV require that a first address be seen from the perspective of the message recipient as the address of the mobile client. Rather, the claims of groups II and IV define that messages received by a message recipient appear to have originated at an email address associated with the host (e.g., "a first address associated with the host system"). That is, the message recipient is unaware whether the message sender sent the message from his mobile client or from his terminal wired to the host system.

Further, Appellants submit that one of ordinary skill in the art in the 1995 timeframe would have understood from the figures and the corresponding description thereof that all email messages to and from the mobile unit are processed and/or recorded by the post office which includes the mailbox having the first address. As discussed above, one purpose of the present invention is to transfer email messages while taking into consideration the bandwidth limitations of the wireless communication system. Figures 4-6 illustrate an embodiment for pre-stage filtering of data before it is forwarded to the mobile client. Steps 408-412 disclose

that the post office (which includes the user's mailbox) selects and formats unprocessed messages which are then "encapsulated" and forwarded to the communication server and then to the mobile client. Through acknowledgements, the post office marks a mail index indicating which messages have been forwarded to the mobile client. See page 16, lines 3-4, of the Specification.

Steps 430-436 disclose a process where the mobile client generates mail for forwarding to an addressee. If the message is not sent (e.g., it is too large for low cost wireless transmission), then "it is retained locally for transmission later when connected via a lower cost network to the post office." See page 16, lines 21-23 of the Specification.

Figures 7 and 8 (see Appendix II) illustrate a process where the mobile client can review summary information prior to a message being forwarded from the post office to the mobile client. Page 18, lines 4-6 teach that, in Figure 6 (see Appendix II), a reference to the host/server is a reference to the post office server. Again, the post office sends qualifying mail to the mobile client in Step 708 and marks mail as read in Step 734.

Finally, Figure 9 (see Appendix II) illustrates a process where the mobile client sends truncated replies in order to reduce bandwidth. The truncated reply is reconstructed by the communication server and is forwarded to the target unit as well as the outbox or sent mail folder of the client's post office box. See page 22, lines 24-30.

Hence, Appellants respectfully submit that the first address at or associated with a host system (post office) (i.e., transparency) feature finds generous written description support in the Specification.

IV. Continuously Forwarding (Groups III and IV)

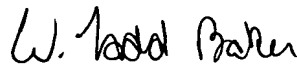
Appellants submit the Specification provides support for the "continuously forwarding" feature of the claims of groups III and IV. Figure 3 and the corresponding disclosure at page 12 lines 1-29 clearly show that new mail received for the mobile client is

forwarded to the mobile client via the host system independent of any proactive step by the user of the mobile client. See steps 320-324 of Figure 3. The forwarding process begins with query manager 231 of the communication server 220 and not the mobile client 201. Hence, the newly received mail is "continuously forwarded" (i.e., pushed not pulled) from the host system to the mobile client.

V. Conclusion

The specification provides adequate description under 35 USC 112, first paragraph, for all of the claims of groups I, II, III, and IV.

Respectfully submitted,



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Appendix I

33. A method of forwarding messages between a host system and a mobile client, comprising the steps of:

- establishing a session based on loaded parameters at the host system;
- maintaining the session at the host system and querying the host system;
- receiving messages directed to a first address at the host system from a plurality of message senders;
- in response to a query, continuously forwarding the messages from the host system to the mobile client;
- receiving the messages at the mobile client;
- generating reply messages at the mobile client to be sent to the plurality of message senders and transmitting the reply messages to the host system;
- receiving the reply messages at the host system and configuring the reply messages such that it will appear to the plurality of message senders that the reply messages originated at the first address associated with the host system; and
- transmitting the reply messages from the host system to the plurality of message senders.

34. The method of claim 33, further comprising the step of:

- storing information regarding the configuration of the mobile client at the host system.

35. The method of claim 34, wherein the configuration information stored at the host include:

- (A) the network address of the mobile client; and
- (B) an indication of the types of message attachments that the mobile client will receive and process.

36. The method of claim 35, wherein the configuration information further includes:
(C) an indication of the protocol of the mobile client.

37. The method of claim 35, further comprising the steps of:
for each message to be forwarded, the host system determining whether the message includes an attachment, and if so then determining the type of attachment;
accessing the stored configuration information at the host system to determine whether the mobile client will receive and process attachments of the determined type; and
if so, then forwarding the attachments to the mobile client.

38. The method of claim 37, wherein the type of attachment is a sound file.

39. The method of claim 33, wherein the received messages are addressed using a sender address and a receiver address, the method further comprising the steps of:
determining whether the receiver address is associated with the mobile client;
if the receiver address is associated with the mobile client, then determining a network address of the mobile client and packetizing the messages using the receiver address and the network address of the mobile client; and
after receiving the forwarded messages at the wireless subscriber unit, displaying the messages at the mobile client using the sender address and the receiver address, so that it appears as though the mobile client is the host system.

40. The method of claim 33, wherein the parameters of the established session at the host system include external events, internal events, or networked events.

41. The method of claim 40, wherein the external event is a registration message from the mobile client.

42. The method of claim 40, wherein the internal event is an execution of control messages.
43. The method of claim 40, wherein the internal event is an execution of programs.
44. The method of claim 40, wherein the internal event is a timer operation.
45. The method of claim 40, wherein the networked events include messages to begin forwarding from computer systems other than the mobile client, which are connected to the host system via a wired network.
46. The method of claim 33, wherein the mobile client is a mobile station.
47. The method of claim 33, wherein the mobile client is a device equipped to receive both voice and non-voice data messages.
48. The method of claim 33, wherein the host system includes a client profile database limiting the forwarding step to forwarding only those messages that are transmitted to the host system from a sender stored in the database.
49. The method of claim 48, wherein a user can add and subtract senders from the database.
50. The method of claim 49, wherein the user can add and subtract senders from the database by configuring the host system.
51. The method of claim 49, wherein the user can add and subtract senders from the database by transmitting a command message from the mobile client to the host system.

52. The method of claim 48, wherein an active client profile database is activated and deactivated at the host.

53. The method of claim 48, wherein an active client profile database is activated and deactivated from the mobile client.

54. A message forwarding method operating at a host system, comprising the steps of:

- associating a first address with the host system;
- establishing a session with the host system based on loaded parameters;
- maintaining the session at the host system and querying the host system;
- receiving messages at the host system from a plurality of message senders;
- in response to a query, continuously forwarding the received messages from the host system to a mobile client associated with the host system;
- receiving reply messages from the mobile client at the host system and configuring the reply messages such that it will appear to the plurality of message senders that the reply messages originated at the first address associated with the host system; and
- transmitting the configured reply messages from the host system to the plurality of message senders.

55. A message forwarding method, comprising the steps of:

- establishing a session with the host system based on loaded parameters;
- maintaining the session with the host system and querying the host system;
- receiving messages at the host system from a plurality of message senders;
- in response to a query, continuously forwarding the received messages from the host system to a mobile client associated with the host system, wherein a first email address for the user of the mobile client is associated with the host system;

receiving the forwarded messages at the mobile client;
generating reply messages at the mobile client;
transmitting the reply messages from the mobile client to the host system;
receiving the reply messages at the host system and configuring the reply messages such that it will appear to the plurality of message senders that the reply messages originated at the first address associated with the host system; and
transmitting the configured reply messages from the host system to the plurality of message senders.

56. A computer system for forwarding messages from a mobile client comprising:
a host system capable of sending and receiving messages, wherein a message sender's email address is associated with the host system;
a forwarding component operable with the host system that upon receiving a message generated at the mobile client, by a message sender destined for a message recipient, configures the received message, prior to forwarding to the message recipient, such that the received message appears to the message recipient as if the received message originated at the sender's email address associated with the host system, thereby allowing messages generated at either the mobile client or host system to appear to originate at the sender's email address associated with the host system.

57. A computer system as claimed in claim 56, wherein an email address field in the configured received message is the message sender's email address associated with the host system.

58. A computer system as claimed in claim 57, wherein a reply-to email address field in the configured received message is the message sender's email address associated with the host system.

59. A computer system as claimed in claim 58, further comprising a code added to the configured received message to make an indication to the message recipient.

60. A method for forwarding messages generated at a mobile client by a message sender destined for a message recipient, comprising the steps of:

receiving a message, generated at the mobile client by the message sender destined for the message recipient, at a forwarding component associated with a host system, wherein messages generated at the host system by the message sender use a first address;

configuring the received message such that the received message appears to the message recipient as if the received message originated at the sender's first address, wherein messages generated at either the mobile client or host system appear to originate at the message sender's first address; and

forwarding the configured received message to the message recipient.

61. A method as claimed in claim 60, wherein the message sender's first address is an email address associated with the host system.

62. A method as claimed in claim 61, wherein the configuring step ensures an address field in the configured received message is the message sender's email address associated with the host system.

63. A method as claimed in claim 62, wherein the configuring step ensures a reply-to email address field in the configured received message is the message sender's email address associated with the host system.

64. A method for forwarding messages between a host system and a mobile client, comprising the steps of:

establishing a session with the host system based on loaded parameters;
maintaining the session with the host system and querying the host system;
receiving incoming messages directed to a first address at the host system from a plurality of message senders, wherein the first address is associated with messages generated at the host system by a user of the mobile client;
in response to a query, continuously forwarding the incoming messages from the host system to the mobile client;
receiving outgoing messages generated at the mobile client at the host system;
configuring the outgoing messages so that the outgoing messages appear as if they were generated at either the mobile client or the host system; and
transmitting the outgoing messages from the host system to message recipients.

65. A computer readable medium encoded with software instructions for enabling a method of forwarding messages generated at a mobile client by a message sender destined for a message recipient, the method comprising the steps of:

receiving a message, generated at the mobile client by the message sender destined for the message recipient, at a forwarding component associated with a host system, wherein messages generated at the host system by the message sender use a first address;
configuring the received message such that the received message appears as if it were generated at either the mobile client or host system; and
forwarding the configured received message to the message recipient.

66. The method of claim 60, further comprising the steps of:

establishing a session with the host system based on loaded parameters;
maintaining the session with the host system and querying the host system; and
continuously forwarding messages received at the host system to the mobile client.

67. The method of claim 66, wherein the session is an execution of programs.

68. The method of claim 66, further comprising the steps of:

loading parameters at the host system; and

filtering received messages at the host system using one or more message filter prior to forwarding messages to the mobile client.

69. A method of forwarding messages between a host system and a wireless mobile client, comprising the steps of:

establishing a session at the host system;

maintaining the session at the host system;

receiving messages directed to a first address at the host system from one of a plurality of message senders;

continuously forwarding the messages from the host system to the wireless mobile client;

receiving the messages at the wireless mobile client;

generating reply messages at the wireless mobile client to be sent to one of the plurality of message senders and transmitting the reply messages to the host system;

receiving the reply messages at the host system; and

transmitting the reply messages from the host system to one of the plurality of message senders.

70. The method of claim 69, further comprising the step of:

storing information regarding the configuration of the wireless mobile client at the host system.

71. The method of claim 70, wherein the configuration information stored at the host include:

- (A) the network address of the wireless mobile client; and
- (B) an indication of the types of message attachments that the wireless mobile client will receive and process.

72. The method of claim 71, wherein the configuration information further includes:

- (C) an indication of the protocol of the wireless mobile client.

73. The method of claim 71, further comprising the steps of:

for each message to be forwarded, the host system determining whether the message includes an attachment, and if so then determining the type of attachment;

accessing the stored configuration information at the host system to determine whether the wireless mobile client will receive and process attachments of the determined type; and

if so, then forwarding the attachments to the wireless mobile client.

74. The method of claim 73, wherein the type of attachment is a sound file.

75. The method of claim 69, wherein the received messages are addressed using a sender address and a receiver address, the method further comprising the steps of:

determining whether the receiver address is associated with the wireless mobile client;
if the receiver address is associated with the wireless mobile client, then determining a network address of the wireless mobile client and packetizing the messages using the receiver address and the network address of the wireless mobile client; and

after receiving the forwarded messages at the wireless mobile client, displaying the messages at the wireless mobile client using the sender address and the receiver address, so that it appears as though the wireless mobile client is the host system.

76. The method of claim 69, wherein the parameters of the established session at the host system include external events, internal events, or networked events.

77. The method of claim 76, wherein the external event is a registration message from the wireless mobile client.

78. The method of claim 76, wherein the internal event is an execution of control messages.

79. The method of claim 76, wherein the internal event is an execution of programs.

80. The method of claim 76, wherein the internal event is a timer operation.

81. The method of claim 76, wherein the networked events include messages to begin forwarding from computer systems other than the wireless mobile client, which are connected to the host system via a wired network.

82. The method of claim 69, wherein the wireless mobile client is a mobile station.

83. The method of claim 69, wherein the wireless mobile client is a device equipped to receive both voice and non-voice data messages.

84. The method of claim 69, wherein the host system includes a client profile database limiting the forwarding step to forwarding only those messages that are transmitted to the host system from a sender stored in the database.

85. The method of claim 84, wherein a user can add and subtract senders from the database.

86. The method of claim 85, wherein the user can add and subtract senders from the database by configuring the host system.

87. The method of claim 85, wherein the user can add and subtract senders from the database by transmitting a command message from the wireless mobile client to the host system.

88. The method of claim 85, wherein an active client profile database is activated and deactivated at the host.

89. The method of claim 85, wherein an active client profile database is activated and deactivated from the wireless mobile client.

90. The method of claim 69, wherein the wireless mobile client is capable of instructing the host system to alter the continuous forwarding of messages.

91. The method of claim 69, wherein the messages are electronic email messages.

92. A message forwarding method operating at a host system, comprising the steps of:

associating a first address with the host system;
establishing a session with the host system;
maintaining the session at the host system;
receiving messages at the host system from one of a plurality of message senders;
continuously forwarding the received messages from the host system to a wireless mobile client associated with the host system;

receiving reply messages from the wireless mobile client at the host system; and
transmitting the configured reply messages from the host system to one of the
plurality of message senders.

93. The method of claim 92, wherein the wireless mobile client is capable of
instructing the host system to alter the continuous forwarding of messages.

94. The method of claim 92, wherein the messages are electronic email messages.

95. A message forwarding method, comprising the steps of:
establishing a session with the host system based on loaded parameters;
maintaining the session with the host system;
receiving messages at the host system from one of a plurality of message senders;
continuously forwarding the received messages from the host system to a wireless
mobile client associated with the host system, wherein a first email address for the user of the
wireless mobile client is associated with the host system;
receiving the forwarded messages at the wireless mobile client;
generating reply messages at the wireless mobile client;
transmitting the reply messages from the wireless mobile client to the host system;
receiving the reply messages at the host system; and
transmitting the configured reply messages from the host system to one of the
plurality of message senders.

96. The method of claim 95, wherein the wireless mobile client is capable of
instructing the host system to alter the continuous forwarding of messages.

97. The method of claim 95, wherein the messages are electronic email messages.

98. A device for transferring messages comprising:

a data processing device for establishing and maintaining a session between the host system and a wireless mobile client, wherein a first email address for the user of the wireless mobile client is associated with the host system;

means for receiving messages at the host system from one of a plurality of message senders;

the data processing device continuously forwarding the received messages from the host system to the wireless mobile client associated with the host system;

means, at the host system, for receiving reply messages from the wireless mobile client; and

means for forwarding the reply messages to one of the plurality of message senders.

99. A device as claimed in claim 98, wherein the session is a virtual session.

100. A device as claimed in claim 99, wherein the virtual session allows the user to be charged on a per packet basis.

101. A device as claimed in claim 98, further comprising a protocol translator for formatting the messages as required for transport between the first data processing device and the wireless mobile client.

102. The method of claim 98, wherein the wireless mobile client is capable of instructing the host system to alter the continuous forwarding of messages.

103. The method of claim 98, wherein the messages are electronic email messages.

104. A method for forwarding electronic email messages generated at a wireless mobile client by a message sender destined for a message recipient, comprising the steps of:

receiving an electronic email message, generated at the wireless mobile client by the message sender destined for the message recipient, at a forwarding component associated with a host system; and

forwarding the received electronic email message to the message recipient.

105. The method of claim 104, wherein the wireless mobile client is capable of instructing the host system to alter the continuous forwarding of messages.

106. A method for forwarding messages between a host system and a wireless mobile client, comprising the steps of:

establishing a session with the host system based on loaded parameters;

maintaining the session with the host system;

receiving incoming messages directed to a first address at the host system from one of a plurality of message senders;

continuously forwarding the incoming messages from the host system to the wireless mobile client;

receiving outgoing messages generated at the wireless mobile client at the host system; and

transmitting the outgoing messages from the host system to message recipients.

107. The method of claim 106, wherein the wireless mobile client is capable of instructing the host system to alter the continuous forwarding of messages.

108. The method of claim 106, wherein the messages are electronic email messages.

109. A computer readable medium encoded with software instructions for enabling a method of forwarding electronic email messages generated at a wireless mobile client by a message sender destined for a message recipient, the method comprising the steps of:

receiving an electronic email message, generated at the wireless mobile client by the message sender destined for the message recipient, at a forwarding component associated with a host system;

forwarding the received electronic email message to the message recipient.

110. The method of claim 109, wherein the session is an execution of programs.

111. The method of claim 109, further comprising the steps of:

loading parameters at the host system; and

filtering received messages at the host system using one or more message filter prior to forwarding messages to the wireless mobile client.

112. The method of claim 109, wherein the wireless mobile client is capable of instructing the host system to alter the continuous forwarding of messages.

113. A computer system for forwarding electronic email messages from a wireless mobile client comprising:

a host system capable of sending and receiving electronic email messages; and

a forwarding component operable with the host system that upon receiving an electronic email message generated at the wireless mobile client, forwards the electronic email message to a message recipient.

114. The method of claim 113, wherein the wireless mobile client is capable of instructing the host system to alter the continuous forwarding of messages.



Appendix II

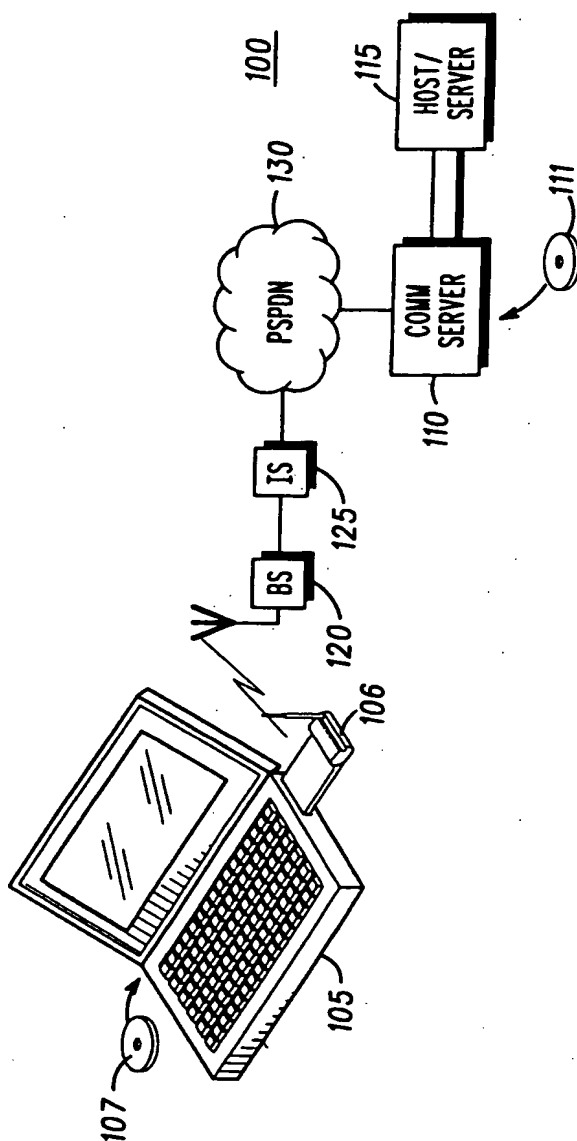


FIG. 1

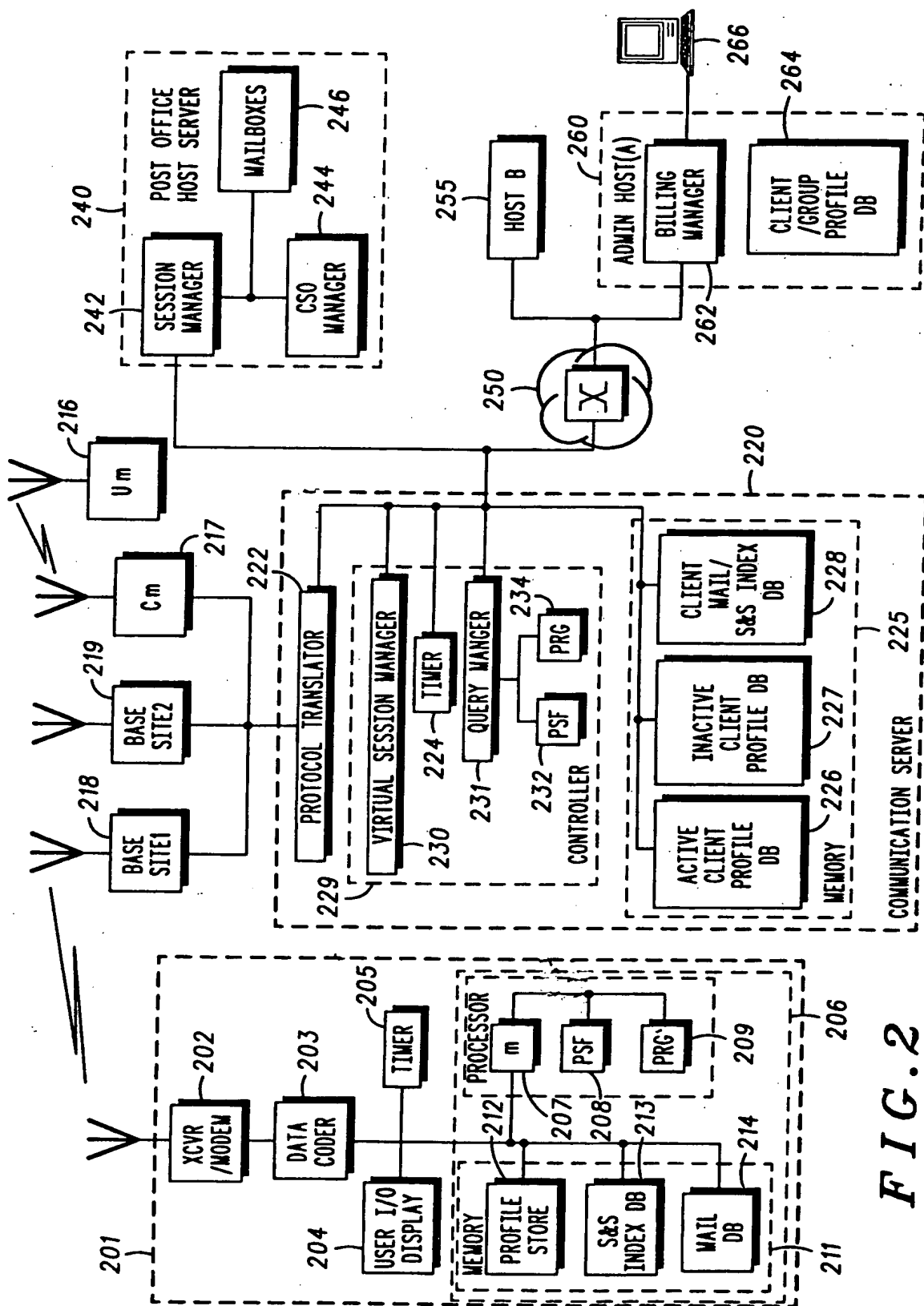
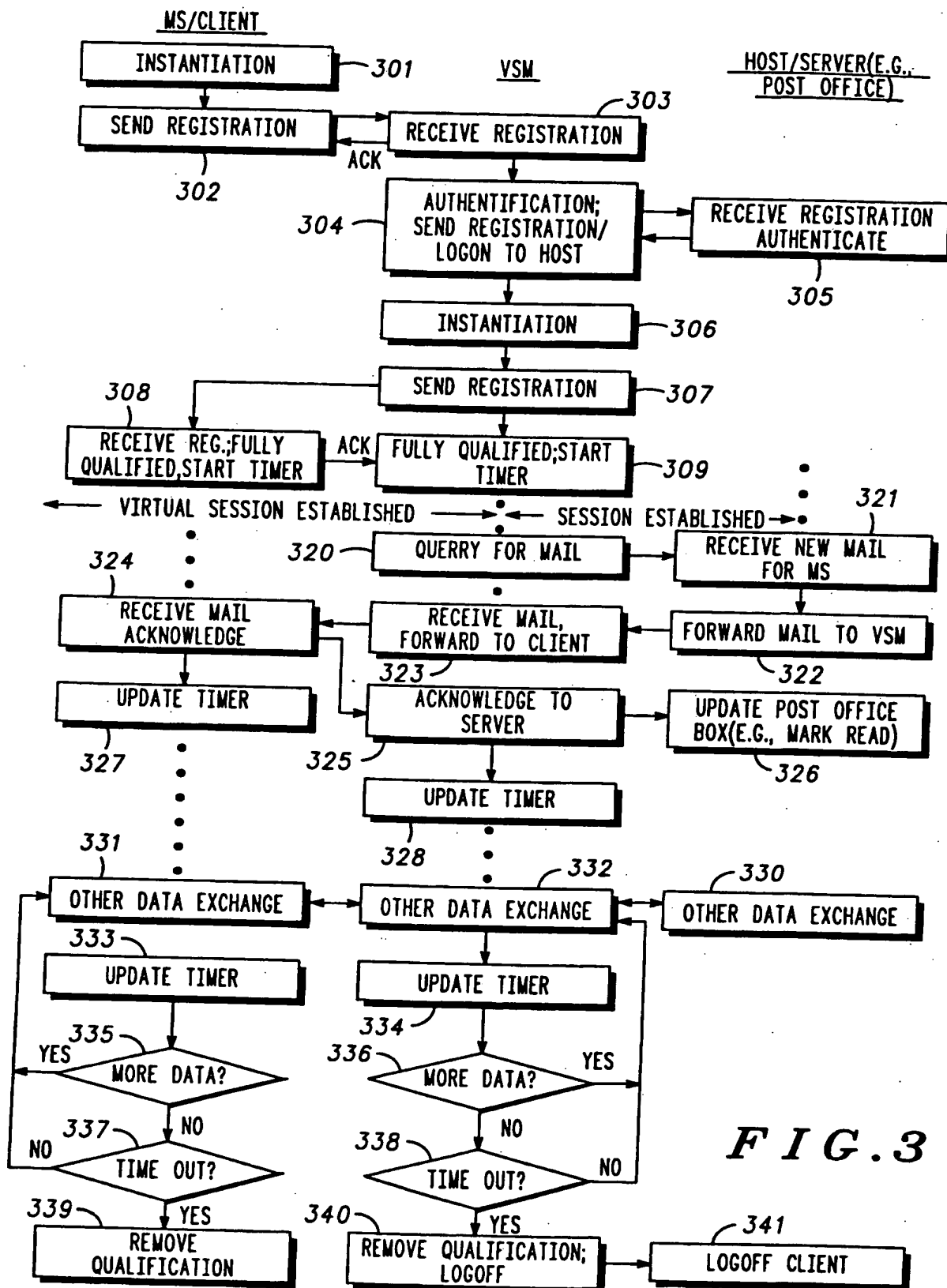


FIG. 2



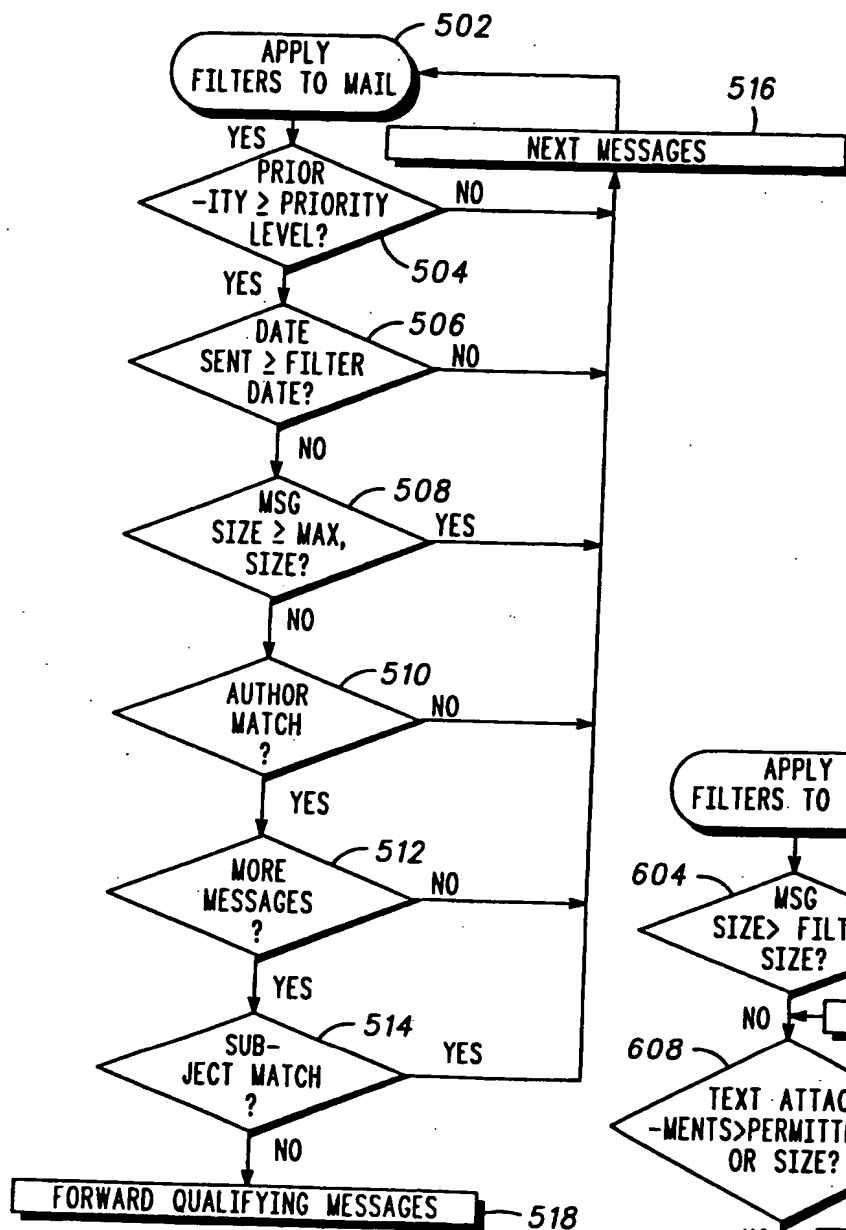


FIG. 5

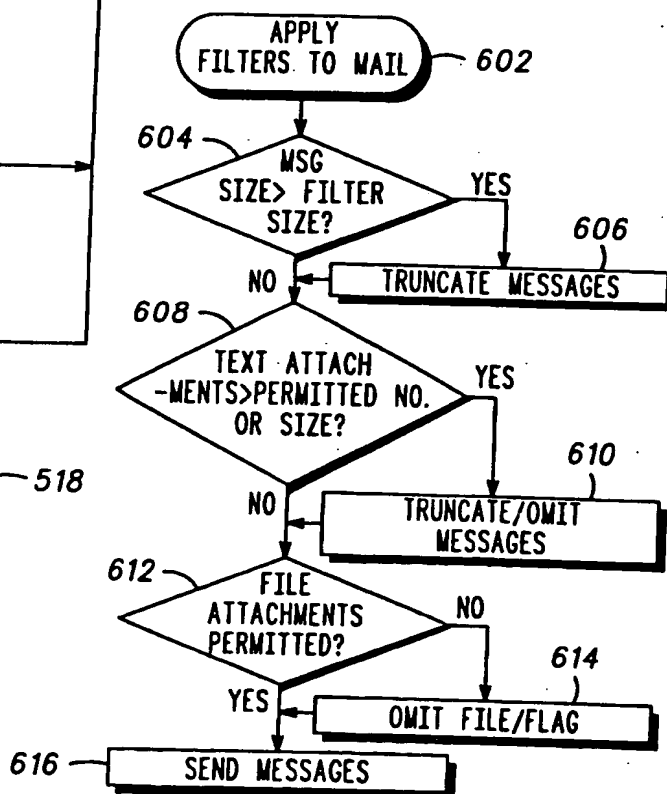
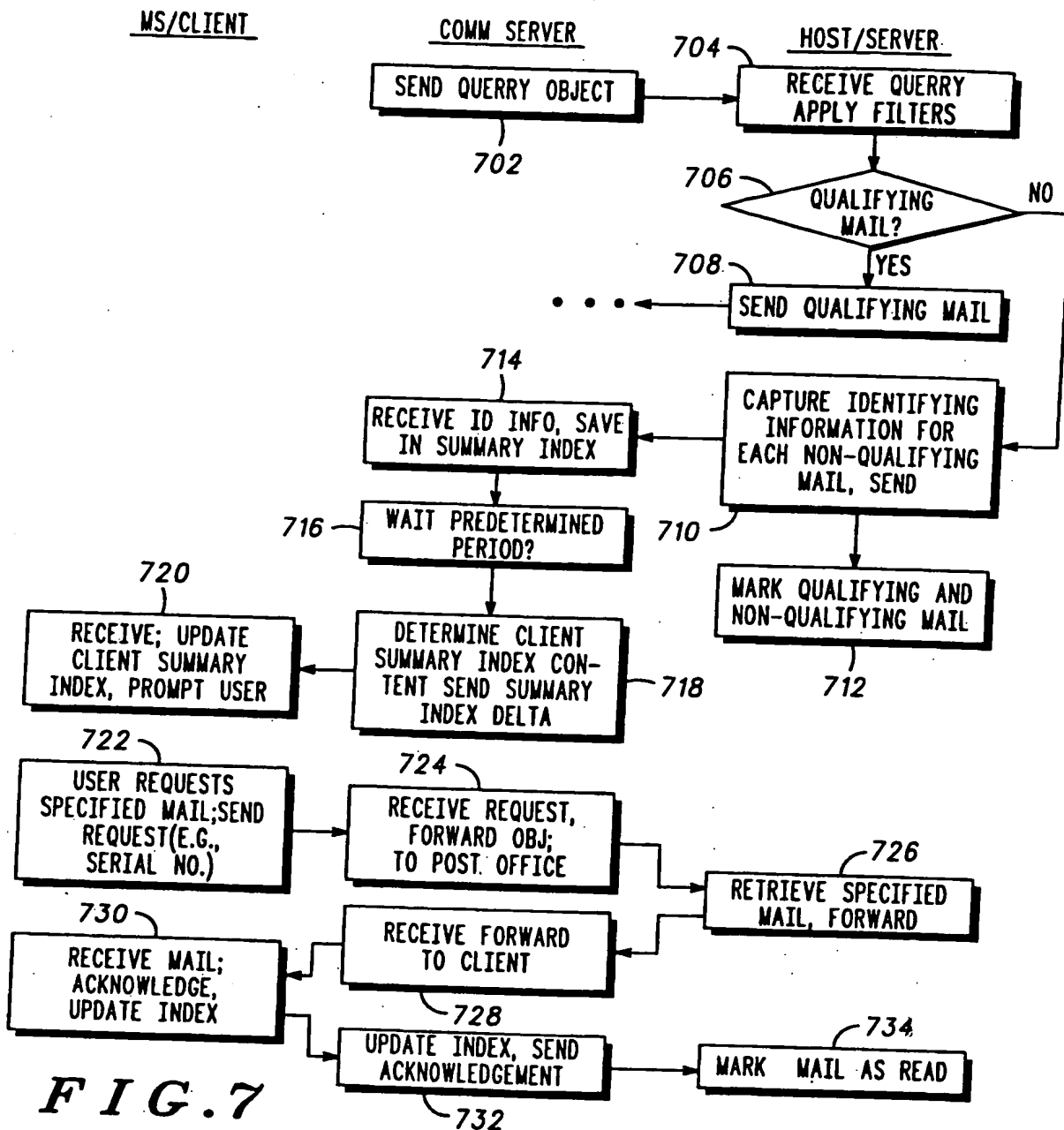


FIG. 6



CLIENT 1 SUMMARY INDEX	801		802	
	SERIAL NO.1	HEADER INFO.1(E.G.,AUTHOR:SUBJECT,DATE/TIME IN; SIZE:ACKNOWLEDGEMENT/SIZE:PRIORITY)		
	SERIAL NO.2	HEADER INFO 2		
	:	:		

FIG. 8

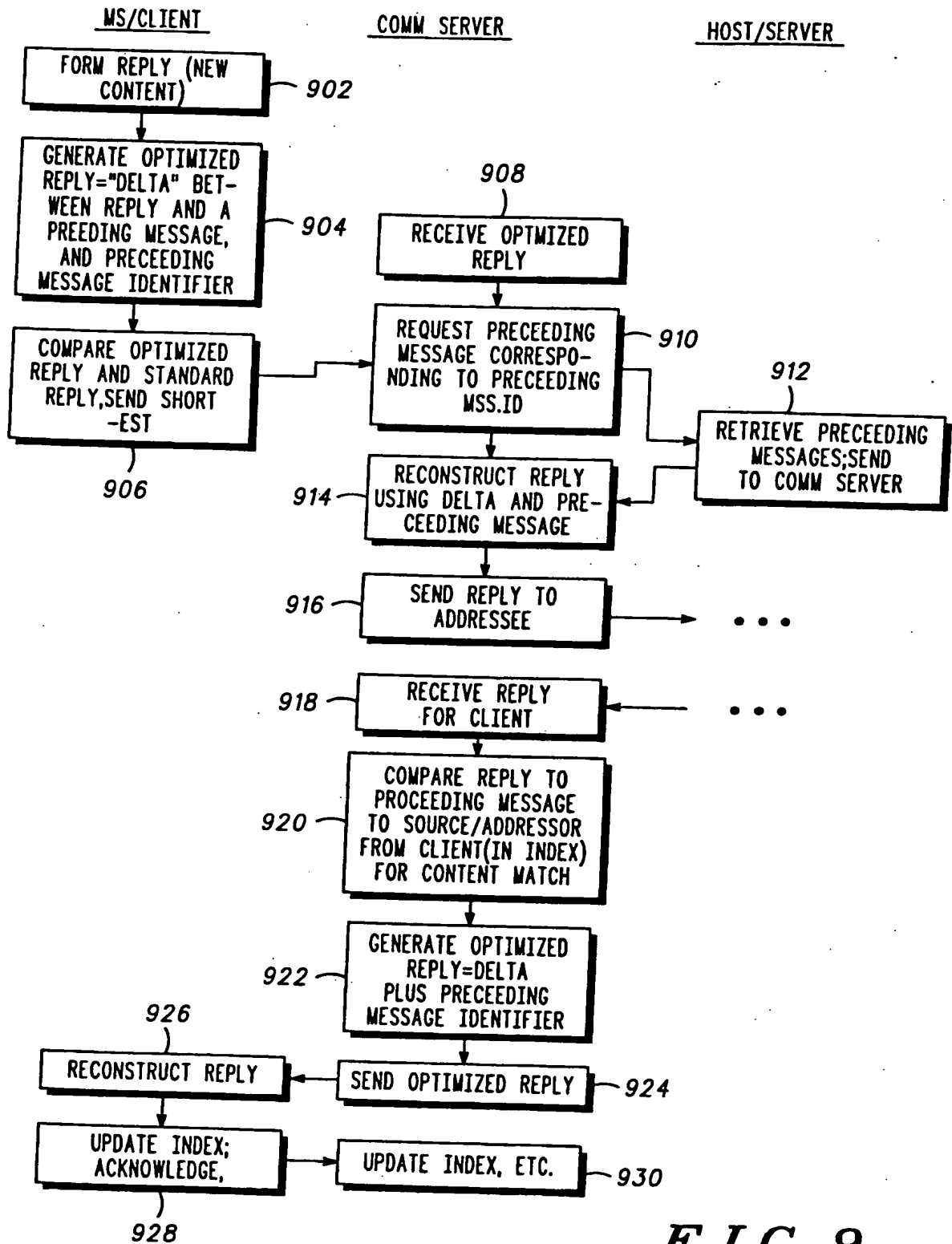


FIG. 9